

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE: B-211604**DATE:** May 16, 1983**MATTER OF:** Fermitek Corporation**DIGEST:**

Protest that specifications restrict competition, which was not filed until after bid opening, is dismissed as untimely under 4 C.F.R. § 21.2(b)(1) (1983) since the impropriety in the specifications was apparent prior to bid opening.

Fermitek Corporation (Fermitek) protests the specifications contained in solicitation No. N00104-83-B-0140, issued by the Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania.

Fermitek alleges that the specifications are restrictive of competition. This allegation concerns an impropriety in the solicitation which was apparent prior to bid opening and was required to be protested prior to March 11, 1982, the date set for bid opening. Q.S. Incorporated, B-203503, May 4, 1982, 82-1 CPD 417, and 4 C.F.R. § 21.2(b)(1) (1983). Fermitek, however, did not submit its protest to our Office until April 26, 1983. Consequently, the protest is untimely and we will not consider it on the merits.

Protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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